

## REMARKS

In the Official Action mailed on **28 June 2005**, the Examiner reviewed claims 1-27. Claims 23, 25, 27 were rejected under 35 U.S.C. §102(e) as being anticipated by Yount (USPN 6,389,551 hereinafter “Yount”). Claims 1-3, 5-10, 12-14, and 16-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yount in view of Snaman, Jr. et al (USPN 6,243,744 hereinafter “Snaman”). Claims 4, 11, 15, and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yount and Snaman, and further in view of Chao et al (USPN 6,438,705). Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yount in view of Snaman. Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yount in view of Chao.

### Rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a)

Independent claim 23 was rejected as being anticipated by Yount. Independent claims 1, 6, 12, and 17 were rejected as being unpatentable over Yount in view of Snaman. Applicant respectfully points out that Yount teaches: “In the event that a system is unable to connect and register with the quorum service, ... the unable-to-register system will then **disable all of its protected applications**” (see Yount, col. 4, lines 15-19). Applicant also respectfully points out that Snaman teaches using a **quorum disk** as a voting member to form a quorum (see Snaman, FIGs. 1A-1E and 4A-4G, and col. 3, lines 44-46).

In contrast, the quorum server of the present invention **provides one or more votes** to a computer within the plurality of computers that is attempting to form a quorum (see FIG. 3 and paragraphs [0044]-[0047] of the instant application). This is beneficial because it allows for the failure of the quorum server. Note that in the system of Yount, if the quorum service fails, all systems will be unable to register, and will disable all of the protected applications.

Additionally, the present invention uses a quorum server that is located at a site **that is geographically separate** from all computers within the plurality of computers (see paragraph [0037] of the instant application). This is beneficial because it prevents a single location of failure in case of a disaster at one of the locations. This scenario is one of the problems that the present invention was designed to overcome (see paragraph [0013] of the instant application).

There is nothing within Yount or Snaman, either separately or in concert, which suggests providing one or more votes to a computer within the plurality of computers that is attempting to form a quorum, or using a quorum server that is located at a site that is geographically separate from all computers within the plurality of computers.


Accordingly, Applicant has amended independent claims 1, 6, 12, 17, and 23 to clarify that the present invention provides one or more votes to a computer within the plurality of computers that is attempting to form a quorum, and uses a quorum server that is located at a site that is geographically separate from all computers within the plurality of computers. These amendments find support in FIG. 3, in paragraph [0037], and in paragraphs [0044]-[0047] of the instant application.

Hence, Applicant respectfully submits that independent claims 1, 6, 12, 17, and 23 as presently amended are in condition for allowance. Applicant also submits that claims 2-5, which depend upon claim 1, claims 7-11, which depend upon claim 6, claims 13-16, which depend upon claim 12, claims 18-22, which depend upon claim 17, and claims 24-27, which depend upon claim 23, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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Date: 25 July 2005

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